

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6881

BILL NUMBER: HB 1212

NOTE PREPARED: Feb 21, 2012

BILL AMENDED: Feb 16, 2012

SUBJECT: Blue Lights on Vehicles.

FIRST AUTHOR: Rep. Kirchhofer

FIRST SPONSOR: Sen. Merritt

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (1) Defines funeral escort vehicle.
- (2) Provides that a vehicle utilized in a funeral procession or a funeral escort vehicle may display certain flashing lights in certain colors.
- (3) Requires a funeral escort vehicle to bear certain markings.
- (4) Prohibits a funeral escort vehicle from bearing certain markings.
- (5) Provides that, in order for the vehicles in a funeral procession to have the right-of-way at an intersection, the vehicle heading the funeral procession must display a flashing red light, flashing red and white lights, or a flashing amber light. (Current law allows the vehicle to display alternately flashing red and blue lights.)
- (6) Provides that certain equipment requirements that apply to a funeral escort vehicle do not apply to an authorized emergency vehicle that is used in a funeral procession or as a funeral escort vehicle.
- (7) Provides that a person who displays a red and blue lamp upon a vehicle or fails to remove a red and blue lamp from a vehicle under certain circumstances commits a Class C misdemeanor.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenue: This bill removes vehicles used in funeral processions from the exemptions of vehicles that are authorized to utilize alternately flashing red and white or red and blue lights. Under the bill, vehicles used in funeral processions will only be allowed to display red and white, red, or amber lights.

The bill also enhances the penalty for violating the provisions regulating special equipment for emergency vehicles. Under current law, the unauthorized display of alternately flashing red and white or red and blue lights on a vehicle is punishable as a Class C infraction. As proposed, if a person knowingly or intentionally engages in the unauthorized use of alternately flashing red and white or red and blue lights, that individual is subject to as a Class C misdemeanor.

This bill potentially increases revenue to the Common School Fund, but could reduce revenue that is deposited in the state General Fund. However, any change in revenue is likely to be small. Currently, the maximum judgment for a Class C infraction is \$500, which is deposited into the state General Fund, while the maximum fine for a Class C misdemeanor is \$500, which is deposited into the Common School Fund. The state General Fund may receive additional court fee revenue. However, the amount is likely to be small.

Besides the issuance of fines, the sentencing court may assess a criminal costs fee if a guilty verdict is entered. The court fee for an infraction is \$70, while the court fee for a misdemeanor is \$120. The state receives 70% of the court fee that is assessed when a guilty verdict is entered and the fee is collected in a court of record and 55% if a case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

Explanation of Local Expenditures: *Penalty Provision:* Local expenditures could increase if offenders are incarcerated in local jails instead of being only fined. A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost of housing an offender in jail is reported to be \$44. There is no term of imprisonment for an infraction.

Explanation of Local Revenues: *Penalty Provision:* Local governments could receive additional revenues from any court fees that are collected for cases that were infractions and are now misdemeanors. Twenty-seven percent of criminal costs fees that are collected are deposited in the county general fund when a guilty verdict is entered for a misdemeanor. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. From city and town courts, the county general fund receives 20% of the criminal costs fee while the city or town general fund receives 25%. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriff's Association.

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